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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,828	01/20/2004	Hui Li	PD030017	4449

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EXAMINER
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RIES, LAURIE ANNE

ART UNIT	PAPER NUMBER
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2176

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01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/761,828	<b>Applicant(s)</b> LI ET AL.	
	<b>Examiner</b> Laurie Ries	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed 24 June 2007, and Petition decision, entered 16 October 2007, to the Original Application, filed 20 January 2004.
2. The rejection of claims 1-12 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter has been withdrawn as necessitated by amendment.
3. The rejection of claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Hanamoto (U.S. Publication 2002/0167683 A1) in view of Applicant's Admitted Prior Art, hereafter referred to as AAPA has been withdrawn as necessitated by amendment.
4. Claims 13-22 are pending. Applicant has cancelled claims 1-12. Applicant has added claims 13-22. Claims 13 and 18 are independent claims.

### ***Claim Objections***

5. Claim 13 is objected to because of the following informalities: In line 9, the word "and" is repeated twice, thus making it difficult to interpret the claim limitation. For the purpose of further prosecution it is assumed that lines 8-10 should read as follows:

*"Determining at least one of: that the at least one metadata link is a link and is in the list of links that points to said selected essence data and, ~~and~~ that at least one of the second metadata has a metadata link pointing to said selected essence data, and"*

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 18-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**As per independent claim 18**, this claim is directed computer based device, however, the Instant Specification and the claim language do not specify that the device includes hardware. As such, the language of the claim merely describes a computer program per se. This raises a question as to whether the claim is directed merely to an

abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101. One technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result.

**Claims 19-22** are dependent upon claim 18 and do not add any limitations that would render the claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 13-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Block (U.S. Publication 2005/0182777 A1).

**As per independent claims 13 and 18**, Block discloses a computer based method and device for processing multimedia data including the steps of providing at

least one selected essence data, where essence data represents information being directly perceptible by a user, such as labels, which are directly perceptible by a user (See Block, paragraphs 0031-0032, and Figure 1B, element 112).

Block also discloses providing a metadata template to be used to form at least a first metadata, such as a template including text strings that represent metadata (See Block, paragraphs 0050-0052).

Block also discloses providing at least one of a list of links to a number of second essence data and a list of a number of second metadata, such as associating multiple labels (i.e. essence data), which includes a second label, with each occurrence of a text string (See Block, paragraphs 0039-0040).

Block also discloses determining at least one of: that at least one metadata link is a link and is in the list of links that points to the selected essence data, and that at least one of the second metadata has a metadata link pointing to the selected essence data, such as determining that a link is established between the label and the related metadata, or text string, information (See Block, paragraphs 0046-0047).

Block also discloses forming the at least first metadata on the basis of the at least one selected essence data and metadata associated with the determined metadata link by applying the metadata template, such as creating an output file that includes all appropriate labels, style information, and XML file extension (See Block, paragraph 0048).

**As per dependent claims 14 and 19**, Block discloses the limitations of claims 13 and 18 as described above. Block also discloses that the at least first metadata is

formed by using in an MD-essence space of the metadata template metadata essence associated with the determined metadata link, such as associating the MD-essence data, such as labels, to the text string metadata linked to the labels in stored associations (See Block, paragraph 0052).

**As per dependent claims 15 and 20**, Block discloses the limitations of claims 13 and 18 as described above. Block also discloses that the determined metadata has at least one second metadata link, and where the first metadata is formed by adding the at least one second metadata link into an MD-link space of the metadata template, such as adding a label to the metadata text string link list (See Block, paragraph 0015).

**As per dependent claims 16 and 21**, Block discloses the limitations of claims 13 and 18 as described above. Block also discloses that the determined metadata has at least one second metadata link pointing to at least one third metadata, and where the third metadata is used for forming the first metadata, such as a metadata value, or text string, may be linked to a third text string or metadata value, used to form the first text string, such as a synonym dictionary incorporated within the list associating data and metadata (See Block, paragraph 0049).

**As per dependent claims 17 and 22**, Block discloses the limitations of claims 13 and 18 as described above. Block also discloses that the step of forming the at least first metadata is performed by a graphic user interface, such as incorporating a Web browser graphical user interface (See Block, paragraphs 0037 and 0059).

***Response to Arguments***

8. Applicant's arguments with respect to claims 13-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

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